

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AF HOLDINGS LLC,

Plaintiff,

v.

JOE NAVSCA,

Defendant.

Case No. C-12-2396 EMC

**DECLARATION OF PAUL DUFFY RE
COURT'S APRIL 29, 2013**

Assigned to the Hon, Edward M. Chen

I, Paul Duffy, do hereby declare:

I am an attorney at law duly licensed to appear before all state courts in the State of California and in the U.S. District Court for the Northern District of California. I have personal knowledge of the following facts and, if called upon as a witness, could competently testify thereto.

1. I submit this declaration subject to Paragraphs 1 through 4 of his April 26, 2013 Declaration submitted in connection with this matter (ECF No. 77-1).

2. Due to the date of my appearance in this matter, I have no knowledge of the filing of AF Holdings, LLC's ADR certification in this matter.

3. Local Rule 5.1(i)(3) of the Northern District of California provides among other things that "The filer shall maintain records to support this occurrence for subsequent production for the Court, if so ordered, or for inspection upon


1 request by a party, until one year after the final resolution of the action (including
2 appeal, if any)." As such, as I was not the filer and due to my lack of knowledge
3 regarding the ADR certification, and because Mr. Gibbs is also a subject of the
4 order to show cause in Judge Wright's court, my counsel in the Central District
5 matter contacted Mr. Gibbs' counsel to obtain the information requested by this
6 Court at page eight of its April 23, 2013, order granting dismissal of this matter
7 with prejudice.

8 4. Philip W. Vineyard, my attorney in the Central District Matter, was
9 advised by Andrew Waxler, attorney for Mr. Gibbs in the Central District matter,
10 that Mr. Gibbs states that he does not have possession of the signed ADR
11 certification. Attached hereto as Exhibit A is a true and correct copy of Mr.
12 Vineyard's declaration attesting to his conversation with Mr. Waxler.

13 5. Pursuant to Local Rule 5-1(c)(4), the ECF user, rather than the user's
14 law firm, retains full responsibility for any document filed through the ECF filer's
15 user ID and password.

16 *I declare under penalty of perjury under the laws of the United States of*
17 *America that the foregoing is true and correct.*

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19 Executed at Chicago, Illinois, on May 13, 2013

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24 Paul Duffy
25 Declarant
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 AF HOLDINGS LLC,
12 Plaintiff,

13 v.

14 JOE NAVSCA,
15 Defendant.
16

Case No. C-12-2396 EMC

**DECLARATION OF PHILIP W.
VINEYARD**

17 I, Philip W. Vineyard, do hereby declare:

18 I am an attorney at law duly licensed to appear before all state courts in the
19 State of California and in the Northern and Central District Courts. I have personal
20 knowledge of the following facts and, if called upon as a witness, could
21 competently testify thereto.

22 1. I am an associate with the law firm of Klinedinst P.C., specially
23 appearing counsel of record for Prenda Law, Inc., Paul Duffy, and Angela Van
24 Den Hemel in the Order to Show Cause ("OSC") proceedings that have just
25 concluded in the Central District litigation entitled Ingenuity 13, LLC v. John Doe,
26 assigned case number 2:12-cv-08333-ODW (JCx).

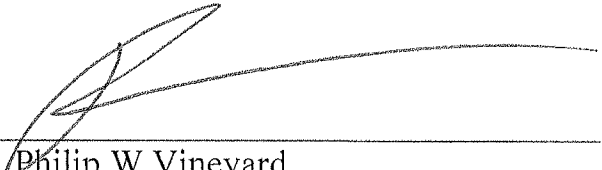
27 2. On May 9, 2013, I spoke to Mr. Andrew Waxler, counsel of record for
28 Mr. Brett Gibbs in the OSC proceedings referenced in paragraph 1, to inquire

1 about the ADR certification that is the subject of this court's April 23, 2013, order.

2 3. Mr. Waxler informed me that Mr. Gibbs does not have the original
3 signed version of AF Holdings, LLC's ADR certification earlier filed in this
4 matter.

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6 *I declare under penalty of perjury under the laws of the United States of*
7 *America that the foregoing is true and correct.*

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9 Executed at Los Angeles, California, on May 13, 2013.

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Philip W. Vineyard
Declarant

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